

IT IS ORDERED

Date Entered on Docket: October 26, 2021



The Honorable Robert H Jacobvitz
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

CHARLES MICHAEL ROLDAN,
and AMY NICHOLE LAWRENCE,

Case No. 21-11044-j13
Chapter 13

Debtors.

**STIPULATED AND DEFAULT ORDER GRANTING MOTION OF
CHEAP TITLE LOANS, INC. FOR RELIEF FROM AUTOMATIC STAY AND FOR
ABANDONMENT AS TO 2007 FORD F-450 WRECKER UNDER 11 U.S.C. SECS.
362(d)(1) AND (d)(2)**

This matter comes before the Court on *Motion of Cheap Title Loans, Inc. for Relief from Automatic Stay and for Abandonment as to 2007 Ford F-450 Wrecker Under 11 U.S.C. Secs. 362(d)(1), (d)(2) and (f)*, filed September 23, 2021 (Doc. No. 15) (the “**Motion**”). After reviewing the Motion, the record, and the requirements set forth in 11 U.S.C. §362(d), Fed. R. Bankr. P. 4001(a), and being otherwise sufficiently advised,

THE COURT FINDS:

1. On September 1, 2021 (the “**Petition Date**”), Charles Michael Roldan and Amy Nicole Lawrence (the “**Debtors**”) commenced this case by filing a voluntary petition under chapter 13 of the Bankruptcy Code.

2. On or about June 16, 2021, Movant and Debtor Roldan entered into Note and Security Agreement for a loan on a 2007 Ford F-450 Wrecker, VIN 1FDXF46P67EB06034, (the “**Wrecker**”), in the original principal amount of \$8,700.00. A true and correct copy of the loan documents are attached to the Motion as Exhibit A.

3. Cheap Title perfected its lien in the Wrecker by having its name noted as the lienholder on the Title. A true and correct copy of the Title verification is attached to the Motion as Exhibit B.

4. Debtors have made only one of the payments due under the Wrecker loan. As of September 7, 2021, the total amount owed to Cheap Title was \$11,921.24, with interest accruing at \$17.16 per day. Debtors have failed to maintain insurance on the Wrecker.

5. Cheap Title asserts, and the Debtors did not deny, that according to Kelley Blue Book, the value of the Wrecker cab and chassis is estimated to be \$10,064 at fair purchase price, depending on condition.

6. Prepetition, Cheap Title repossessed the Wrecker and has it in possession.

7. Cheap Title’s interest in the Wrecker is not adequately protected because the Wrecker is not insured.

8. Paragraphs 12 through 18 of the Motion allege sufficient facts establishing that the automatic stay should be lifted for cause under Sec. 362(d)(1), and further should be lifted under Sec. 362(d)(2), because the Debtors’ interest in the Wrecker is not necessary to an effective reorganization, no reorganization is possible and there is no equity in the Wrecker for

the Debtors or estate. The Debtors' interest in the Wrecker is burdensome and of inconsequential value to the estate.

9. On September 24, 2021, Cheap Title served and filed the notice of the filing of the Motion (the "**Notice**"), pursuant to Bankruptcy Rules 9019 and 2002, to all creditors and other parties in interest as shown on the mailing matrix maintained by the Court, specifying an objection period of twenty-one (21) days from the date of the mailing, plus three (3) days based upon service by mail, for a total of twenty-four (24) days.

10. On September 24, 2021, Movant filed the Notice with the Court (Doc. No. 17);

11. The Notice was appropriate in the particular circumstances.

12. On September 27, 2021, the Chapter 13 Trustee filed her *Limited Objection to Motion for Stay Relief by Cheap Title Loans* (Doc. No. 20), in which she objected pending further information and documentation. Since that date, the Debtors have failed to file Schedules, Statements and a Ch. 13 Plan, the Debtors failed to appear for the meeting of creditors, the Ch. 13 Trustee has filed her own Motion to Dismiss, (Doc. No. 26), and the Debtors failed to respond to Doc. No. 23, the Clerk's notice of Intent to Dismiss.

13. The objection deadline, including three days added under Bankruptcy Rule 9006(f), expired on or before October 18, 2021.

14. No other objections to the Motion were filed, timely or otherwise.

15. The Motion is well-taken and should be granted as provided herein.

16. Good cause exists for entry of this Order.

IT IS THEREFORE ORDERED:

A. Cheap Title, Inc. is granted relief from the Debtors' automatic stay and abandonment of the Wrecker, VIN 1FDXF46P67EB06034, such that Cheap Title may exercise its non-bankruptcy law remedies with respect to the Wrecker, including, but not limited to,

selling the Wrecker, and applying all such proceeds to the amounts owed to Cheap Title loan documents.

B. This order shall not be stayed as provided for in Fed. R. Bankr. P. 4001(a)(3).

###END OF ORDER###

Submitted by:

ASKEW & WHITE, LLC

By: s/ submitted electronically

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Approved by:

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STANDING CHAPTER 13 TRUSTEE

Approved via email on 10/21/2021

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